

09-03-04

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/800,451	03/15/2004	Steven A. Daniel	RSCT.P002

Shemwell Gregory & Courtney LLP
Suite 201
4880 Stevens Creek Boulevard
San Jose, CA 95129

CONFIRMATION NO. 1227

FORMALITIES LETTER



OC000000012821308

Date Mailed: 06/01/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/07/2004 HMEKDNEN 00000098 10800451

FILED UNDER 37 CFR 1.53(b)

02 FC:2051

65.00 OP

Filing Date Granted**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

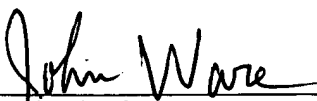
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



EXPRESS MAIL CERTIFICATE OF MAILING

Express Mail" mailing label number: EV 503 780 030 US

Date of Deposit: September 1, 2004

I hereby certify that I am causing the paper(s) and/or fee(s) indicated below to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that the paper(s) and/or fee(s) have been addressed to the Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Richard L. Gregory, Jr.

(Typed or printed name of person mailing paper(s) or fee(s))

(Signature of person mailing paper or fee)

9-01-2004

(Date signed)

Serial/Patent No.: 10/800,451 Filing/Issue Date: March 15, 2004

Title: Thermal Coagulation of Tissue During Tissue Resection

Atty. Docket No.: RSCT.P002 Date Mailed: September 1, 2004

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- | | |
|--|---|
| <input type="checkbox"/> Amendment/Response (pgs.) | <input checked="" type="checkbox"/> Petition for Extension of Time (One (1) month(s)) |
| <input type="checkbox"/> Preliminary Amendment (pgs.) | <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A |
| <input type="checkbox"/> Application - Utility (pgs.) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Application - Rule 1.53(b) Contin. (pgs.) | <input type="checkbox"/> Submission of Formal Drawings |
| <input type="checkbox"/> Application - Rule 1.53(b) Divis. (pgs.) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (pgs.) | <input type="checkbox"/> Appeal Brief (pgs. in triplicate) |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA (pgs.) | <input type="checkbox"/> Reply Brief |
| <input type="checkbox"/> Application - PCT (pgs.) | <input checked="" type="checkbox"/> Response to Notice of Missing Parts |
| <input type="checkbox"/> Application - Provisional (pgs.) | <input type="checkbox"/> Utility Patent Application Transmittal |
| <input type="checkbox"/> Drawings (sheets) | <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) |
| <input checked="" type="checkbox"/> Declaration (2 pgs.) | <input checked="" type="checkbox"/> Itemized Postcard |
| <input checked="" type="checkbox"/> Assignment & Cover Sheet (3 pgs.) | <input checked="" type="checkbox"/> Express Mail Certificate Of Mailing |
| <input checked="" type="checkbox"/> Power of Attorney (2 pgs.) | <input checked="" type="checkbox"/> Express Mail No. <u>EV 503 780 030 US</u> |
| <input type="checkbox"/> Nonpublication Request (35 USC 122(b)) | <input checked="" type="checkbox"/> Check No. <u>3699</u> Amt <u>\$160.00</u> |
| <input checked="" type="checkbox"/> Other <u>Notice To File Missing Parts of Nonprovisional Application.</u> | |



Att. Docket No. RSCT.P002

PATENT

IN THE UNITED STATES PATENT OFFICE

In Re Patent Application of:)	
)	Examiner: Not Yet Assigned
Steven A. Daniel, et al.)	
)	Art Unit: 3739
Application No. 10/800,451)	
)	
Filed: March 15, 2004)	
)	
For: THERMAL COAGULATION OF TISSUE)	
DURING TISSUE RESECTION)	
_____)

Mail Stop Missing Parts
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

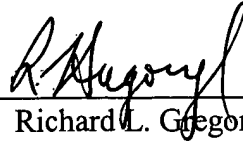
In response to a Notice to File Missing Parts mailed June 1, 2004 in connection with the above-referenced application, applicant encloses the following:

- (1) one (1) Declaration pursuant to 37 CFR 1.63;
- (2) Power of Attorney by Assignee and Certification Under 37 CFR 3.73(b);
- (3) Assignment and Recordation Form Cover Sheet;
- (4) Petition for Extension of Time (one month) under 37 CFR 1.136(a);
- (5) a check in the amount of \$160.00 including:
 - (a) Oath or Declaration Surcharge of \$65.00 under 37 CFR 1.16(e);
 - (b) Assignment recordation fee of \$40.00; and
 - (c) Fee for Petition for Extension of Time of \$55.00;
- (6) a copy of the Notice to File Missing Parts.

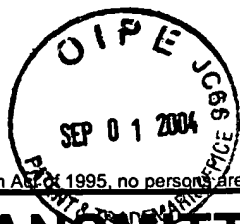
Please charge Deposit Account No. 501914 for any fee deficiency that may be due. A duplicate of this Response is enclosed for Deposit Account charging purposes.

Respectfully Submitted,

Date 9-01-2004



Richard L. Gregory, Jr.
Reg. No. 42,607



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 160.00

Complete if Known

Application Number 10/800,451
Filing Date March 15, 2004
First Named Inventor Steven A. Daniel
Examiner Name
Art Unit 3739
Attorney Docket No. RSCT.P002

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 501914
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =
Independent Claims -3** = X =
Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	55.00
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 160.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type) Richard L. Gregory, Jr. Registration No. 42,607 Telephone 408-236-6646
Signature *R. Gregory* Date September 1, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.